

Buehner, J

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CENTRAL RABBINICAL CONGRESS OF
THE USA & CANADA, *et al.*,

Plaintiffs,

v.

NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE, *et al.*;

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/23/2012

No. 1:12-cv-7590 (NRB)

ECF Case

STIPULATION

Plaintiffs, the Central Rabbinical Congress of the USA and Canada, Agudath Israel of America, the International Bris Association, Rabbi Samuel Blum, Rabbi Aharon Leiman, and Rabbi Shloime Eichenstein, and Defendants, New York City Department of Mental Health and Hygiene, New York City Board of Health, and Dr. Thomas Farley, in his official capacity as the Commissioner of the New York City Board of Health, hereby stipulate and agree as follows in lieu of litigating an application by Plaintiffs for a temporary restraining order to stay Section 181.21 of the New York City Health Code pending a hearing on Plaintiffs' motion for a preliminary injunction in this action:

1. No Defendant will act in any manner to enforce Section 181.21 of the New York City Health Code from its effective date on October 21, 2012 until the date of oral argument on Plaintiffs' motion for a preliminary injunction, scheduled for November 14, 2012, at 2:00 p.m., nor will any Defendant undertake to enforce Section 181.21 in any manner at any time thereafter in connection with circumcisions performed between October 21, 2012 and the date and time of oral argument on Plaintiffs' motion for a preliminary injunction.

2. Plaintiffs' motion for a preliminary injunction shall be briefed and argued before the Court in accordance with the schedule previously agreed to by the parties and ordered by the Court on October 16, 2012. *See* Docket No. 10.


3. This Stipulation and the temporary stay effected pursuant to it shall not prejudice either Plaintiffs' or Defendants' positions in connection with Plaintiffs' motion for a preliminary injunction, any other motion by any party, or the merits of this action. Specifically, none of the parties will rely on this agreement to suggest that any party has made any admission, concession or other waiver of any kind, and neither will make any public statement about this agreement other than for purposes of clarifying whether § 181.21 of the New York City Health Code is in force pending a hearing on plaintiffs' motion for a preliminary injunction and that the parties agreed to the stay in order to allow the issues to be briefed and/or in lieu of litigating an application for a temporary restraining order. Moreover, Defendants' agreement to this stay shall not be used to support possible future requests for stays in these or other proceedings; and Plaintiffs' consent to this stay in no way means that Plaintiffs have acquiesced to the propriety of the challenged rule or Defendants' ability to enforce it.

4. Plaintiffs reserve the right to request that the Court extend the temporary stay of enforcement of Section 181.21 effected by this Stipulation for the period after oral argument on November 14, 2012 and until the date that the Court decides Plaintiffs' motion for a preliminary injunction. Defendants reserve the right to oppose any such request or oppose any other request for extension of the stay or further application for a stay. Nothing in this Stipulation shall be construed to prevent or prejudice any such request by Plaintiffs or any opposition by Defendants to such a request.

5. This Stipulation shall go into effect, and the parties shall be bound by it, as of the date it is executed by the parties.

Dated: October 17, 2012
New York, New York

JONES DAY


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** application for admission pro hac vice pending*


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SO ORDERED:


Hon. Naomi Reice Buchwald, U.S.D.J.

Dated: October 22, 2012

